



- 40 ConsumerWatch
- 44 Legal advisor
- 45 Better buying
- 46 Raising the standard
- 48 Contacts
- 52 Supplier profile

This month *ConsumerWatch* caught PC World compromising customers' personal data yet again, while a reader takes on the Royal Bank of Scotland over its legal obligations regarding credit card transactions, and there's pats on the back for Epson

The issue of retailers compromising personal data through the sale of refurbished equipment is not a new one to regular *PC Advisor* readers. Last year we ran exposés on Dixons and PC World – both part of DSG (Dixons Store Group) – indulging in this practice. The company's policy has consistently been to stonewall our enquiries, stating that procedures are in place to ensure it doesn't happen. Well, guess what? Those "extremely robust" reconditioning procedures have failed once again.

Repeat offender

Reader KS Patterson contacted *PC Advisor* after finding personal and business data on a replacement hard drive for his faulty Medion PC, purchased from Liverpool's Aintree branch of PC World. PC World sent an engineer around to Mr Patterson's home shortly before last Christmas and proceeded to replace the hard drive, as the system was still under warranty. On booting up he was inadvertently made privy to the personal details of a chartered accountant from Chiswick in London, including a CV seen by *PC Advisor*. Two weeks later he was given a replacement drive, but not before taking documentary evidence that the existing drive had a previous owner.

"I could have been given someone like Gary Glitter's old hard drive and been left open to prosecution for having illegal matter on my computer," said Mr Patterson.

"This is a very large company which deals with thousands of computers and it has flawed working practices. It also has my old hard drive, which, given its working practices, gives me cause for concern," he said.

"I'm sure the previous owner would not be too happy that I know every detail of his life for the past 18 months."

Called to account

Indeed he wasn't. We called the accountant in question who, it transpired, had already taken up the matter with DSG after being contacted by Mr Patterson.

"I could have been given someone like Gary Glitter's old hard drive and been left open to prosecution for having illegal matter on my computer"

Mr Patterson, *PC Advisor* reader



Our accountant had originally bought his PC from a London branch of PC World's sister chain, Dixons. Worried by the confidential "business-related and client-related information on the hard drive" he was anxious to track it down.

He wrote a letter of complaint to DSG resulting in a reply a month later, stating that the matter had been dealt with. His subsequent attempts to establish how DSG's returns procedures could result in his personal data being compromised have so far proved fruitless.

We eventually obtained a statement from DSG, which echoed previous excuses. "We are sorry to hear that a spare part has apparently been supplied

PC Advisor personal data privacy campaign

Have you ever been sold a PC that had someone else's information on? Or has a PC you returned to a company been resold without being properly wiped? If either of these things have happened to you, we want to hear from you.

If, like our first reader, you find data on a PC purchased from the Dixons Stores Group don't forget to email Simon Turner the managing director at simon.turner@dixons.co.uk.

Email us at pcadvisor_consumerwatch@idg.com and we'll take it from there



without our mandatory reconditioning taking place. We supply millions of spare parts under warranty every year, some of which are reconditioned."

So while PC World continues "investigating the circumstances in this case to establish how the error occurred," we thought we'd take up managing director Simon Turner's offer, extended to *PC Advisor* last summer, and invite readers to contact him personally should they encounter such practices. So if you find your data – or someone else's – has been compromised, email Simon at simon.turner@dixons.co.uk. Be sure to copy us in at pcadvisor_consumerwatch@idg.com.

Would you credit it?

We're constantly telling our readers to pay by credit card for goods in excess of £100 because of the extra protection this gives. Your credit card company is liable for any breach of contract under the Consumer Credit Act 1974, which means you've got a two-line whip should the goods turn out to be faulty – you can complain to the retailer and the credit card company.

More importantly, should the retailer go belly-up you are entitled to claim against the credit card company. But what happens when the credit card company refuses to play ball?

PC Advisor reader Bernard Mahan found out. He pursued his credit company, The RBS (Royal Bank of Scotland), through the small claims court after the bank refused to cough up for the cost of replacing a faulty motherboard on his Quantex Microsystems PC.

With Quantex no longer trading, he brought his case against RBS through Middlesbrough County Court in June last year. RBS responded through its lawyers stating its intention of defending the claim.

At the end of January, after a seven-month process, RBS caved in, agreeing to settle out of court for £550, covering the cost of replacing the original motherboard in addition to Mr Mahan's legal expenses.

Though bruised by the length of his gruelling challenge, Mr Mahan had nothing but praise for the judges. "This was unfamiliar territory for me and they [the judges] gave all the help that they could to make the process as straightforward as possible," he says.

Time for cash

On the same credit card theme, a reader got a nasty shock when his £699 refund cheque from troubled showroom retailer Tiny bounced in February. *PC Advisor* subscriber Jonathan Lamb was prompted to demand a full refund when Tiny failed to deliver his machine. Unfortunately he had paid cash for his PC, so couldn't claim against his credit card company when Tiny went into receivership. Not only did he not have a computer, he didn't have his money either.

On contacting his local trading standards office he was told it was unlikely he would be getting his money back as the company was in the hands of the receivers and any payouts were likely to go to bigger players, rather than small-time customers.

In his frustration he turned to *PC Advisor's ConsumerWatch* forum, www.pcadvisor.co.uk/consumerwatch. Using the advice he got from other forum members and Time's (Time bought Tiny) official representatives in the forum, he got in touch with administrators Grant Thornton, forwarding a copy of the cheque, the receipt of payment and the letter from the bank and keeping the originals for himself. As *PC Advisor* went to press, Grant Thornton and a spokesman for Time were both hopeful that Mr Lamb would get a positive result, though it was not clear whether this would be in the shape of a further PC or a refund. We'll keep you posted.

Epson does it with style

Never let it be said that *ConsumerWatch* fails to deliver praise where it is genuinely due. This month we have a story with a happy ending concerning Swansea-based reader David Rees, who bought an Epson Stylus Color 680 printer from Dixon's Oxford Street branch at the beginning of October last year.

Around Christmas time the printer started to jam. By February he'd had enough and phoned Dixons to claim a repair or replacement under the 1979 Sale of Goods Act.

Dixons staff referred him back to the manufacturer, even though by law the onus of responsibility to provide goods that are 'fit for purpose' lies with the retailer.

Epson, however, came up with the goods. "I used the freephone number quoted in *PC Advisor* and was quickly passed to the faults department," he explains. "I was quickly identified and immediately told that a new printer would be with me the next day."

Just 21 hours after making the call the replacement arrived, complete with new cartridges. At the suggestion of the Epson engineer he was able to remove the cartridges from the old printer and transfer them to the new one, netting a new printer as well as cartridges worth around £35 – all this for a printer that originally cost only £65. So, a pat on the back for Epson. ■

How to contact us

Got a problem with a manufacturer or vendor? Or perhaps you want to highlight a company's good service? Whether you've got gripes or notes of praise to broadcast, here's how to let us know:

- Email pcadvisor_consumerwatch@idg.com
- Post **ConsumerWatch, PC Advisor, 5th Floor, 85 Tottenham Court Road, London W1T 4TQ**
- Fax **020 7580 1935**
- Online **share your experience with others at www.pcadvisor.co.uk/registered**



legal advisor

Politicians are beginning to see that the internet could be the perfect tool to shake the electorate out of its apathy, says Aidan Relf, head of media and government relations firm RGMR. But don't forget that online voting is a security and privacy minefield

Politicians might think the vote is the most precious right in a modern democracy, but only 59 percent of the British electorate was sufficiently interested in the last general election to take part in it. Even worse, over 60 percent of the 18-25 age group could not be bothered to exercise a choice.

The DTI's relatively youthful e-commerce minister, Douglas Alexander, had a key role in Labour's campaign effort to try and thwart such voter apathy. He now wants to use his new job to stem the tide and, in a key speech on 25 October, he threw his weight behind the introduction of online voting.

By happy coincidence, his sister Wendy holds the same post in Scotland's devolved government, which is bringing forward legislation to allow electronic voting pilots in the local elections north of the border in two years' time.

Channel 4's *Big Brother* may or may not have been mandatory viewing in the Alexander household, but the thousands of votes cast online, via digital TV, to determine its winner demonstrated to many the enormous potential of the internet in engaging young people in a democratic process.

Reaching the e-lectorate

The renowned political think-tank, the Hansard Society, believes that the interactive capacity of Information and Communication Technologies to link citizens to their elected representatives, irrespective of distance or space, offers a real chance to strengthen the connections that constitute democratic representation. While others recognise the value that the internet can play in stimulating greater public engagement in politics, they remain concerned about e-voting.

When e-voting was permitted in a Democratic primary in the US, ethnic minority groups threatened legal action against the election's validity, citing their proportionately lower access to the web. Douglas Alexander acknowledges that household access in the UK is only five to seven percent among lower income groups, but the Government is pinning its hopes on the growth in digital TV to overcome this problem.

Online vote-jacking

To vote online or by telephone, you will need a PIN number. The worry is that people may be tempted to sell them or give them away, meaning that others can vote more than once. A notable feature of the last general election was the emergence of websites established to encourage tactical voting and even 'trading' votes between parties in neighbouring constituencies.

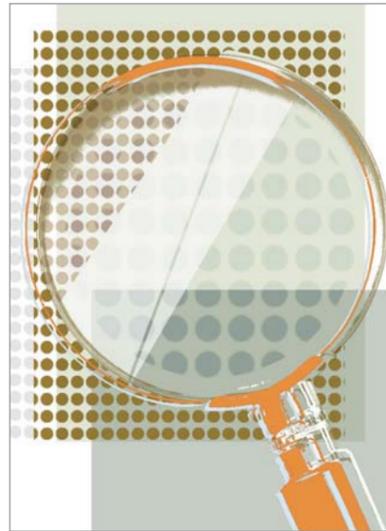
Need help with a legal matter?

While we try to do what we can to help our readers, there are times when matters can't be resolved without legal intervention. PC Advisor's Consumer Hotline can help you with all your legal problems, taking away the cost of visiting a solicitor and letting you know when it's time to take court action.

Call our fully trained experts on our Consumer Hotline number below.

Consumer Hotline 0906 906 0276

The PC Advisor Consumer Hotline costs £1.50 per minute, which covers all expenses including the legal advice. You will be charged for the service on your standard telephone bill. The Hotline is open from 8am to 10pm, seven days a week. If the line is busy when you call, you will not be connected and you won't be charged. English Law applies to all advice given. The customer service number is 0870 739 7602.



E-voting also requires a secure means of recording the votes. You will want to be sure, for example, that how you vote remains private. The Electoral Reform Society has actually recommended that a couple of hackers be let loose on the trials to test the system's robustness.

Pressing the virtual flesh

But where there's a will, there's a way. The irreverent Spinon website reported that 35,000 people wanted to put their least favourite MP in a virtual food blender at the last general election. In contrast, the ground-breaking GeorgeWBush.com site may have been as much of a factor in the US presidential election as the disputed chads in Florida. We may have to wait until the election after next to realise its full benefits, but the internet is going to be a vital part of our democratic process. For more on ICT and its effect on democracy, visit the Hansard Society's E-democracy Programme website at www.hansardsociety.org.uk/eDemocracy.htm. ■

Aidan Relf is managing director of RGMR media and government relations (www.rgmr.co.uk). He has worked as parliamentary officer for the Association of British Insurers and for city PR/public affairs firms Citigate Dewe Rogerson and Burson-Marsteller.

better buying

While cold hard cash handed over on the spot in exchange for a new PC seems like your best bet for a successful purchase, other ways of shopping may afford more protection. Whatever method you go for, take note of our dos and don'ts

Even if you choose to buy from a firm with a great track record, it's no guarantee that your PC purchase will go without a hitch. So, whether you're looking for your first computer or are a seasoned PC shopper, bear in mind the following basic dos and don'ts when you hand over your credit card. This should save you unnecessary grief if your dream system turns out to be a bit of a turkey.

Where to buy

- **High street** Buying at a high street outlet is still the most expensive route to take because you're paying extra for the vendor's overheads, such as rent on prime shop premises. Remember, too, that you won't necessarily be able to pick up your new computer there and then as most systems are still made to order. However, you will be able to try out a test model and many first-time buyers find this aspect of high street shopping particularly reassuring.

- **Mail order** Choosing the mail order route will get you a better price as many mail order dealers don't have to worry about the costs and expenses of a shop front. However, this way of buying requires a lot more confidence. Jot down your specification requirements before placing

your order, and be prepared to argue with the sales staff because they'll try to convince you need higher specifications than you really do.

- **Online** Buying over the internet is a good option if you're after a decent deal. It's very cost-effective for dealers as well, so they'll entice you with great offers and the best specifications. You can usually configure your own system, too. The down side is you will need to know what you want as there's often no one on hand to help you. One point to remember is that you should get an order confirmation via email immediately.

For any of the above options, don't forget to test the company's customer helpline, too. If it's impossible to get through, just imagine how frustrated you will be holding on the line when you have a problem.

Always pay by credit card or via a finance house, especially for online or mail order transactions. That way, if you don't receive your goods you will be able to claim on the credit card company's insurance

How to buy

- **Ordering** Ensure that you keep copies of all your paperwork and correspondence with the company in question. A high street dealer should give you a receipt and details of your order. Mail order firms should give you a quote by return with a written guarantee of price and the exact specification of each component.

- **For web orders**, stick to dealing with a well-known name and check that there's a UK contact address and telephone number on the website in case you need to get in touch for any reason. Look for privacy-vetted websites displaying trading standards logos, such as those of the Which? Web Trader, Trusted Shops and TrustUK schemes.
- **Service and warranty** Remember to thoroughly check the type of warranty which comes with your system. Is it onsite, where an engineer comes out to you, or is it return-to-base, which means you have to send the computer to a repair centre? If it's the latter, will you be expected to pay the courier fees, shipping it to and from your home or place of work? Look for insurance-backed warranties that will still be worth the paper they are written on if the vendor goes bust. Some of the larger IT companies make more from selling warranties than they do from selling goods, so it's always worth haggling over warranty prices.

- **Small print** Read any small print. Be on the look out, in particular, for any disclaimers and E&OE (errors and omissions excluded) clauses that may mean you won't get your money back in the event of you deciding to return the goods. If you are unsure about a certain piece of information, contact the company and ask for written confirmation that it will be able to provide the service that you want.

- **Paying** As we've said time and time again, always pay by credit card or via a finance house, especially for online or mail order transactions. That way, if you don't receive your goods – for instance, if the company goes bankrupt – you will be able to claim on the credit card company's insurance. However, this protection only applies to goods costing over £100, and does not apply to charge cards such as American Express or debit cards, even if they carry the Visa or Access logos. A supplier shouldn't debit your card until the goods are ready to be sent out (see *Raising the standard* over the page for more details). ■



raising the standard

Your local Trading Standards office is the place to complain about shoddy goods and services, but you need to know how to do it effectively. Steer clear of rash tactics such as cancelling payments, but be aware of your rights and the legal action you can take

A first port of call for many disgruntled consumers is Trading Standards but, contrary to popular belief, trading standards is not a national organisation. Each local council has its own trading standards professionals who are vetted and represented by the Trading Standards Institute. They enforce a wide range of consumer protection legislation including the Trade Descriptions Act, the Consumer Protection Act and all the pricing legislation currently in force. A Trading Standards website (www.tradingstandards.gov.uk), run by the Trading Standards Institute, tells you how to contact your local office.

Expert advice

Steve Playel, principal trading standards officer at London Borough of Brent and Harrow, offers the following advice about when to contact your local office and outlines what you should do if you think you have been sold goods that are faulty or not what you specified in your order. He also shows how to get maximum protection from the outset when buying particular products.

"Always pay by credit card for anything over £100. Credit card companies are jointly and severally liable for any breach of contract by the supplier." The answer for many non-credit cardholders is to buy using a finance company. One will usually be recommended by the manufacturer from which you buy the goods. Provided it's over £100, the finance companies are also jointly and severally liable.

Make a stand

So what happens when something goes wrong? The goods have been delivered to your home but they don't work, or on closer inspection it turns out they're not what you paid for. What now? Do you withhold payment until the matter is resolved? Playel advises against cancelling any standing orders you have with the company because "you'll be in breach of the loan agreement which means you'll probably be credit blacklisted". He also says "You're wasting your time messing about with phone calls. We get so many people calling us saying they have phoned, but the company claims not to have had those calls. You've got to write to the company as well." It's also vitally important to send any mail you post to the company you're in conflict with by registered post and to keep copies.

Under the EU Distance Selling Directive, customers have a seven-day, no-quibble right to return goods for any reason, plus several other important new payment rights

Words of advice

"If you buy a product and there is something wrong with it, notify the company straight away. Phone first and always back it up in writing. Send your letter by recorded delivery, keep a copy for your records and send a second copy to the credit card company or finance house."

What, exactly, should be included in your recorded letter? "Say the product is not working, it has not reached your expectations and, in your opinion, is in breach of the Sale of Goods Act. That's only [strictly] right if it's broken, but it's good to negotiate." Playel advises readers to be firm, and to ask for either a replacement system to be sent within 14 days, or for a refund.



Act on your demands

To be sure you get results from the company, it's time to come on heavy. A good idea is to back up your written demand with a call to action. Playel advises: "Say, 'If I don't hear from you within that time I'll consider taking this up in the small claims court'."

Starting this process will cost a few pounds, but small claims courts handle cases up to £5,000 with no set minimum. If you think you've been overcharged or goods have been misdescribed, contact your local Trading Standards office."

Finally, under the EU Distance Selling Directive, customers have a seven-day, no-quibble right to return goods for any reason, plus several other important new payment rights.

Under the directive, the seller must also provide the buyer with certain information *before* the sale is made – for example the identity of the seller, price of the goods, delivery costs, and arrangements for payment and delivery.

The European Union's Distance Selling Directive also specifies that goods are delivered within 30 days after ordering and, should they become unavailable, that the customer be informed and refunded within a month. ■

contacts

Where do you turn when things go wrong? There may be an issue with the ad that attracted you in the first place. So if you've been left with a useless piece of kit for which the manufacturer made extravagant claims, it could be worth informing the ASA

The ASA (Advertising Standards Authority) is the governing body responsible for regulating all non-broadcast advertising. Its role is to ensure that all advertisements are 'legal, decent, honest and truthful'. The ASA's regulations cover advertising wherever, and in whatever form (other than radio or television), they appear. After several months of preparation, the ASA has clarified a series of codes so that it also governs advertising over the internet. The codes, a list of which is available by calling the ASA, apply to the following:

- Online advertising In 'paid for' space (for example, banner and pop-up advertising).
- Advertising In commercial emails.
- Sales promotions Wherever they may appear online.

The ASA stresses that these codes do not in any way affect your statutory rights under the Data Protection Act. The Distance Selling Directive will provide protection for buying online.

I'm free! (well, nearly)

The sudden appearance and subsequent fast growth of unmetered internet access deals at the end of 2000 caused a



Where to turn for help

If the worst happens, it's good to know where to go for help. Here we list some important contacts which can help with a variety of problems from software copyright issues to non-delivery or payment problems.

- Citizens Advice Bureau **For general legal advice and to find out your rights. For information, or to find your nearest CAB, call 020 8333 6960; website: www.nacab.org.uk.**
- Consumers Association **For advice on all consumer transactions. Tel: 020 7830 6000; website: www.which.net.**
- Fast (Federation Against Software Theft) **Regulators of software copyright law. Clivemont House, 54 Clivemont Road, Maidenhead, Berkshire SL6 7BZ; Tel: 01628 622 121; website: www.fast.org.uk.**
- Office of Fair Trading **OFT, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX; general enquiries: 0845 722 4499; website: www.ofc.co.uk.**
- PC Association **Non-profit organisation offering advice to both trade and consumers. You'll find tips on buying safely and a forum for complaining when things go wrong. Website: www.pcauk.org.**

massive surge in internet use, with so-called 'free' online time being offered by a huge number of ISPs. The ASA made a report in September 00, which looked at these ISPs' promise of 'free' internet access. What disturbed the association was the number of ISPs that advertised free internet services and yet charged for an element of their services. Many deals were also heavily oversubscribed, and many users were disappointed. ASA regulations require advertisers to show that they have anticipated demand, making it clear if stocks are limited and, hopefully, preventing the fiascos of PCs-for-£100 firm Smarttalk and no-charge ISP Breathe.com from recurring. Importantly, where companies have failed to anticipate demand, they will be in breach of the codes.

This aspect of the ASA's code could start the ball rolling against companies that become 'victims of their own success'. Regrettably, this phrase is fast becoming an obvious euphemism for companies whose board members failed miserably to conduct standard business assessments of demand.

Surf yourself silly

More recently, the ASA rather bizarrely refused to uphold claims against BT that the company's ads claiming 'unlimited surfing every weekend with BT Internet' were misleading. The complaint was made because BT kicks customers offline after two hours, whether or not they are downloading or uploading information at the time. This was deemed not to be in contradiction to its claims of 'unlimited surfing' because people can reconnect immediately. That may seem odd, but the ASA tries hard to be fair and regularly upholds complaints made against the big boys.

Making your voice heard

To make a complaint about an advert call 020 7580 5555. Alternatively, you can fill in the claim form on ASA's website at: www.asa.org.uk, via the Contacts icon. All complaints must ultimately be made in writing and sent to: Advertising Standards Agency, 2 Torrington Place, London, WC1E 7HW. ■